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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-seventh year

Identical letters dated 11 June 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of Georgia dated 8 June 2012, on the twentieth round of the Geneva International Discussions (see annex).

I should be grateful if you would have the present letter and its annex issued as a document of the sixty-sixth session of the General Assembly, under agenda item 35, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

12-37206 (E) 150612

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Annex to the identical letters dated 11 June 2012 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia on the twentieth round of the Geneva International Discussions

The twentieth round of the Geneva International Discussions was held on 8 June 2012. The participants of the Discussions took part in an individual capacity in two working groups, one focusing on security and stability in Georgia's occupied regions of Abkhazia and the Tskhinvali region/South Ossetia, and the other on the safe and dignified return of internally displaced persons and refugees to the places of their original residence. The discussions were co-chaired by representatives of the United Nations, the European Union and the Organization for Security and Cooperation in Europe and attended by participants from Georgia, the Russian Federation and the United States. The Head of the Provisional Administration of the former South Ossetian Autonomous District, the Chairman of the Government of the Autonomous Republic of Abkhazia and representatives of the proxy regimes from Tskhinvali and Sokhumi also took part in the Discussions.

On 7 June an information session on the legal aspects of occupation was held. The invited legal experts, Louise Doswald-Beck and Hans Peter Gasser, reviewed the principal sources and relevant concepts of international law pertaining to occupation. By highlighting the crucial importance of illegal military presence and effective control for determining the fact of occupation, the presentation left little doubt about the nature of Russia's presence in Georgia's two regions. During the discussions in the first working group, the Georgian side yet again demonstrated to the participants that the Russian Federation continues to occupy two regions of Georgia. Another important lesson that can be drawn from the information session is that human rights need to be protected by those who exercise effective control, no matter what the status of the regions in question. We hope that this important conclusion will be to the benefit of the residents of the occupied regions.

In the framework of the first working group, the Georgian delegation once again called upon Russia to fulfil its outstanding obligation and to reciprocate Georgia's pledge not to use force. Georgia expressed hope that through the good offices of the co-chairs, tangible progress in that direction will be made soon. It is noteworthy that the co-chairs and the United States maintain a similar position on the necessity for the Russian Federation to pledge the non-use of force. Work will continue on that issue during the next rounds, and we hope that the positive momentum created by the discussions during the recent rounds will be maintained.

The Georgian side once again expressed its concern with Russia's plans to hold a military exercise entitled "Caucasus 2012" in the fall of 2012. Especially concerning are the contradictory statements of the Russian officials regarding the objectives, nature, location and scale of the drills. The participants from Georgia called upon the relevant military and security officials of the Russian Federation to confirm the earlier diplomatic reassurances that the exercises would not involve the military bases outside Russian territory, namely, the bases in the occupied Georgian regions.

The Georgian side drew the attention of the participants of the Discussions, particularly the co-chairs, to the recent attempts by the Russian Federation to orchestrate terrorist acts from the occupied territories, which pose a terminal threat to security and stability of Georgia and the wider region. Deriving from the evidence submitted earlier and the responses provided by Moscow, Georgian participants asked for further clarifications from the Russian side. The Georgian side believes that it is absolutely necessary to internationalize the investigation process of these terrorist acts and to use all instruments available to the sides through the Incident Prevention and Response Mechanisms, as well as other means.

The Georgian delegation once again called upon the Russian Federation to meet its obligations under the 12 August Ceasefire Agreement and to withdraw the troops from the occupied Georgian regions. Similar calls were also made by other participants. Georgia believes that the co-chairs need to reactivate their efforts towards elaborating an acceptable concept of international security arrangements: a comprehensive and sustainable way for ensuring peace, security and stability on the ground. The Georgian side remains strongly of the opinion that international peacekeeping and a police presence are necessary components of any international security arrangement.

During the Discussions, a significant amount of time was dedicated to finding a solution to the problem that emerged with regard to the functioning of the Gali Incident Prevention and Response Mechanism after the declaration by the Sokhumi regime not to allow the Head of the European Union Monitoring Mechanism, General Andrzej Tyszkiewicz, to Gali. Unfortunately, no solution was found to the issue, despite the attempts of the co-chairs and the Georgian side to find a way out. The Georgian side would like to reiterate that if the attempts of the co-chairs to find an acceptable solution fail, without prejudice to the role of the European Union Monitoring Mechanism and its head in the Incident Prevention and Response Mechanisms, all responsibility for the ceasing of the Incident Prevention and Response Mechanisms will fall on Moscow and its proxy regime in Sokhumi.

No progress was reported by the second working group, despite attempts from the Georgian side to engage the participants in a constructive discussion over the document on the principles of safe and dignified return of displaced persons. Participants from Russia and its proxy regimes continued to reject the internationally recognized right to safe and dignified return of the internally displaced persons and refugees and to discuss the concrete proposals related to returns, despite being evident that such a stance fundamentally contradicts international law. In the framework of the second working group, the Georgian delegation shared with the co-chairs the factual data on the violation of the human rights of the residents of the occupied territories, including the right to education in native language; freedom from persecution and arbitrary detention; and freedom of movement. Calls were made to allow the international monitoring of the human rights situation on the ground.

The co-chairs endorsed the Georgian initiative aimed at building confidence and encouraging people-to-people dialogue through humanitarian visits to the sites of particular interest, for example, cemeteries, cultural and religious sites, on both sides of the occupation line. The Georgian side awaits further progress on the issue and hopes that such sites will be maintained and protected while the discussions on the visits continue in Geneva.

During the Discussions, participants of both working groups discussed status-neutral travel documents. Participants from Georgia shared with the interested participants the benefits of such documents. The Georgian side once again made it clear that status-neutral travel documents only serve the purpose of de-isolating the occupied regions and opening up for the residents of the occupied regions benefits associated with freer travel, education abroad and international tourism. In the same context, the necessity to ensure free movement of the residents of the occupied regions across the Administrative Boundary Line was stressed by many participants. During the upcoming discussions, the Georgian side expects the co-chairs to table concrete recommendations on the principles of free movement, aimed at ensuring the predictability of the crossing regime across the Administrative Boundary Line.

The twenty-first round of the Geneva International Discussions will be held in October 2012.